

Section 403 (g) (1), the product failed to conform to the definition and standard for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

DISPOSITION: April 17, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8962. Adulteration and misbranding of tomato puree. U. S. v. 42 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 15426. Sample No. 26011-H.)

LIBEL FILED: February 27, 1945, District of New Mexico.

ALLEGED SHIPMENT: On or about February 8, 1944, by the Taormina Corporation, from Donna, Tex.

PRODUCT: 42 cases, each containing 100 cans, of tomato puree at Clovis, N. Mex.

LABEL, IN PART: "Buffalo Brand Tomato Puree * * * Color Added Net Weight 4 $\frac{3}{4}$ Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), it purported to be and was represented as tomato puree, but it failed to conform to the definition and standard for that product since it contained less than 8.37 percent of salt-free tomato solids and since it contained added artificial color which is not provided for in the standard.

DISPOSITION: March 27, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8963. Adulteration of tomato puree. U. S. v. 4,981 Cases and 2,000 Cases of Tomato Puree. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 12631, 12728. Sample Nos. 77886-F, 77888-F.)

LIBELS FILED: June 7 and 23, 1944, District of New Jersey.

ALLEGED SHIPMENT: Between the approximate dates of May 2 and 9, 1944, by the Sardik Food Products Co., from Lockport, N. Y.

PRODUCT: 6,981 cases, each containing 6 8-ounce cans, of tomato puree at Vineland, N. J.

LABEL, IN PART: (Portion) "Silver Lake Brand Tomato Puree * * * Packed in U. S. A. by Wm. Laning and Son Co. Bridgeton * * * N. J."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: April 2, 1945. Wm. Laning and Son Co. having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the unfit portion be destroyed or denatured. The product in both shipments was converted into duck feed.

8964. Adulteration of tomato puree. U. S. v. 336 Cases and 496 Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. D. C. Nos. 15272, 15733. Sample Nos. 2225-H, 2256-H.)

LIBELS FILED: February 14 and March 26, 1945, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about November 21 and December 13, 1944, by A. W. Sisk and Son, from Hynson, Md.

PRODUCT: 832 cases, each containing 6 cans, of tomato puree at Norfolk, Va.

LABEL, IN PART: (Cans) "Bulow Tomato Puree Bulow Quality Products Contents 6 Lbs. 9 Oz. Packed in U. S. A. By Leon C. Bulow Bridgeville, Del."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 25, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8965. Adulteration of tomato puree. U. S. v. 100 Cases and 149 Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. D. C. Nos. 15451, 15601. Sample Nos. 22120-H, 22123-H.)

LIBELS FILED: February 28 and March 8, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 2, 1945, by John S. Mitchell, Inc., from Sharpsville, Ind.

PRODUCT: 249 cases, each containing 48 10-ounce cans, of tomato puree at St. Louis, Mo.

LABEL, IN PART: "Little Sport Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 5 and 10, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8966. Adulteration of tomato puree. U. S. v. 700 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 15683. Sample No. 22127-H.)

LIBEL FILED: March 24, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 9, 1944, by the Arthur Canneries, Inc., from Montpelier, Ind.

PRODUCT: 700 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at St. Louis, Mo.

LABEL, IN PART: "Knight Guard O' Quality * * * Indiana Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: July 25, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8967. Misbranding of tomato puree. U. S. v. 50 Cases of Tomato Puree. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 15401. Sample No. 90076-F.)

LIBEL FILED: On or about February 20, 1945, Western District of Kentucky.

ALLEGED SHIPMENT: On or about October 23, 1943, by the White and Sloat Canning Co., from Whitesburg, Tenn.

PRODUCT: 50 cases, each containing 6 cans, of tomato puree at Mayfield, Ky. Examination showed that the product was short-weight and that it contained less than 8.37 percent of salt-free tomato solids.

LABEL, IN PART: "White's Standard Quality Tomato Puree Contents 6 Lbs. 8 Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (g) (1), it failed to conform to the definition and standard for tomato puree since the definition and standard requires that tomato puree shall contain not less than 8.37 percent of salt-free tomato solids, whereas the article contained less than that amount.

DISPOSITION: May 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

8968. Misbranding of tomato puree. U. S. v. 800 Cases of Tomato Puree. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15291. Sample Nos. 5942-H, 6081-H.)

LIBEL FILED: February 19, 1945, Eastern District of New York.

ALLEGED SHIPMENT: Between the approximate dates of October 28 and November 14, 1944, by the Escalon Packers, Inc., from Escalon, Calif.

PRODUCT: 800 cases, each containing 6 cans, of tomato puree at Brooklyn, N. Y. Examination showed that the article was short-weight.

LABEL, IN PART: (Cans) "Bonta Fancy Tomato Puree Net Weight 6 Lb. 8 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 23, 1945. The Escalon Packers, Inc., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

8969. Adulteration of tomato sauce. U. S. v. 1,574 Cases of Tomato Sauce. Default decree of condemnation and destruction. (F. D. C. No. 15189. Sample No. 27306-H.)

LIBEL FILED: February 3, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about November 20, 1944, by the Western California Cannery, Inc., from Antioch, Calif.